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Crl.A.No.242 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2024

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.A.No.242 of 2018

G.Jothivel

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Vigilance and Anti-Corruption,
Namakkal.

(Crime No.16/AC/2005/SL)

... Respondent

PRAYER : Criminal Appeal filed under Section 374(2) of Criminal Procedure Code r/w Section 27 of Prevention of Corruption Act, pleaded to set aside the Judgment and Order passed on the appellant/accused by the learned Special Judge/Chief Judicial Magistrate, Namakkal in Spl.C.C.No.58 of 2008 dated 20.03.2018 and acquit the appellant.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)



Crl.A.No.242 of 2018

ORDER

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The appellant, who was found guilty and convicted by the learned Special Judge/Chief Judicial Magistrate, Namakkal for the offences punishable under Sections 167 (2 counts), 467, 468, 420 r/w 511 (2 counts) and 477 (A) of IPC and Section 7 of Prevention of Corruption Act, 1988, in Spl.C.C.No.58 of 2008 vide order dated 20.03.2018, has filed the present Criminal Appeal.

2. Learned counsel for the appellant submitted that the sole appellant had passed away during Covid. He further submitted that despite his best efforts, he is unable to contact the legal heirs of the deceased appellant.

3. Learned Government Advocate (Crl.Side) appearing for the respondent Police has also confirmed that the appellant had passed away during Covid.

4. At this juncture, the learned counsel for the appellant submitted that this Court, while granting suspension of sentence on 11.04.2018 had directed the appellant to deposit a sum of Rs.2 lakhs. He further submitted that in pursuance to the said order, the appellant had also deposited the same before



Crl.A.No.242 of 2018

the learned Special Judge/Chief Judicial Magistrate, Namakkal. Thereby, he prayed that in the event of the legal heirs of the deceased appellant filing the application for a refund of the amount deposited, it may be considered.

5. Taking into consideration the above facts and submissions, this Criminal Appeal stands closed as abated. However, in the event of the legal heirs of the deceased appellant approaching this Court at a later point of time seeking for withdrawal of the amount deposited by the deceased appellant, they are at liberty to do so.

29.01.2024

Index : Yes / No

Speaking / Non-speaking

Neutral Citation : Yes / No

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To

1. The Special Judge/Chief Judicial Magistrate,
Namakkal.
2. The Inspector of Police,
Vigilance and Anti-Corruption,
Namakkal.
3. The Public Prosecutor,
High Court of Madras.



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Crl.A.No.242 of 2018

A.D.JAGADISH CHANDIRA, J.

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Crl.A.No.242 of 2018

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